

## CHAPTER 75-03-11.1

### SCHOOL AGE CHILD CARE CENTER EARLY CHILDHOOD SERVICES

Section	
75-03-11.1-01	[Reserved]
75-03-11.1-02	[Reserved]
75-03-11.1-03	Definitions
75-03-11.1-04	Effect of Licensing and Display of License
75-03-11.1-05	Denial or Revocation of License
75-03-11.1-06	Provisional License
75-03-11.1-07	Application for and Nontransferability of School Age Child Care Center License
75-03-11.1-08	Duties of School Age Child Care Center Operator
75-03-11.1-08.1	Minimum Qualifications of a School Age Child Care Center Director
75-03-11.1-08.2	Duties of School Age Child Care Center Director
75-03-11.1-08.3	Minimum Qualifications of School Age Child Care Center Supervisor or Site Coordinator
75-03-11.1-08.4	Minimum Qualifications for All School Age Child Care Center Caregivers or Group Leaders
75-03-11.1-08.5	Minimum Qualifications for Volunteers
75-03-11.1-09	Staffing and Group Size Requirements
75-03-11.1-10	[Reserved]
75-03-11.1-11	[Reserved]
75-03-11.1-12	[Reserved]
75-03-11.1-13	Minimum Health Requirements for All Caregivers
75-03-11.1-14	[Reserved]
75-03-11.1-15	Minimum Standards for Provision of Transportation
75-03-11.1-16	Minimum Emergency Evacuation and Disaster Plan
75-03-11.1-17	Fire Inspections
75-03-11.1-18	Minimum Sanitation and Safety Requirements
75-03-11.1-19	Minimum Requirements Regarding Space and Lighting
75-03-11.1-20	Program Requirements
75-03-11.1-21	Minimum Standards for Food and Nutrition
75-03-11.1-22	Records
75-03-11.1-23	Discipline - Punishment Prohibited
75-03-11.1-24	Specialized Types of Care and Minimum Requirements Therefor
75-03-11.1-25	Minimum Requirements for Care of Children With Special Needs
75-03-11.1-26	Minimum Provisions Regarding Emergency Care for Children
75-03-11.1-27	Effect of Conviction on Licensure and Employment
75-03-11.1-28	Child Abuse and Neglect Determinations
75-03-11.1-29	Allowable Time Periods for Correction of Deficiencies
75-03-11.1-30	Fiscal Sanctions
75-03-11.1-31	Appeals
75-03-11.1-32	Appeals [Repealed]

**75-03-11.1-01. [Reserved]**

## **75-03-11.1-02. [Reserved]**

### **75-03-11.1-03. Definitions.** As used in this chapter:

1. "Attendance" means the total number of children present at any one time at the facility.
2. "Caregiver or group leader" means any individual whose prime responsibility is the provision of direct care, supervision, and guidance to school age children in a child care facility under the guidance and supervision of the school age child care center operator.
3. "Department" means the North Dakota department of human services.
4. "Director" means an individual responsible for supervising and organizing program activities in a school age child care center.
5. "Emergency designee" means an individual designated by the school age child care center to be a backup caregiver for emergency assistance or to provide substitute care.
6. "Operator" means the individual or group who has the legal responsibility and the administrative authority for the operations of a school age child care center. The operator is the applicant for license or the licensee under this chapter.
7. "Parent" means an individual bearing the legal relationship of father or mother to a child enrolled in a school age child care center, including an individual who legally stands in place of a parent, such as a legal guardian or custodian.
8. "School age child care center" means the location for adult supervised care of a school age child care program on a regular basis for nineteen or more children who are usually between the ages of five and twelve years old.
9. "School age child care center satellite" means the location for adult supervised care of a school age child care program on a regular basis for nineteen or more children who are usually between the ages of five and twelve years old in a building or location used at any time by the program other than the building or location listed as the main location on the license.
10. "School age child care program" means a school age child care center providing school age child care services exclusively to school age children before and after school, during school holidays, and during summer vacation.

11. "Staff member" means operator, substitute staff, volunteer, caregiver, group leader, or any other individual whose prime responsibility is the provision of direct care, supervision, and guidance to children in the school age child care center.
12. "Substitute staff" means paid or unpaid staff who work less than thirty-two hours per month.
13. "Supervisor or site coordinator" means any person with the responsibility for organizing and supervising daily program activities.
14. "Volunteer" means an individual who visits or provides an unpaid service or visit, including a fireperson for fire safety week, a McGruff, or Santa Claus person.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-02

#### **75-03-11.1-04. Effect of licensing and display of license.**

1. The issuance of a license to operate a school age child care center is evidence of compliance with the standards contained in this chapter and North Dakota Century Code chapter 50-11.1 at the time of licensure.
2. The current license must be displayed in the premises to which it applies.
3. The license must specify the maximum number of children who may be cared for by the school age child care center. The school age child care center may at no time admit a greater number of children.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-03, 50-11.1-04

#### **75-03-11.1-05. Denial or revocation of license.**

1. A license may be denied or revoked under the terms and conditions of North Dakota Century Code sections 50-11.1-04, 50-11.1-09, and 50-11.1-10.
2. If an action to revoke a license is appealed, the licenseholder may continue the operation of the school age child care center pending the final administrative determination or until the license expires, whichever occurs first; provided, however, that this subsection does not limit the

actions the department may take pursuant to North Dakota Century Code section 50-11.1-12.

3. The department may revoke a license to operate a school age child care center without first issuing a correction order.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-09, 50-11.1-10

#### **75-03-11.1-06. Provisional license.**

1. The director of a regional human service center, in the director's discretion, or the director's designee, may issue a provisional license for the operation of a newly opened school age child care center or for a previously licensed school age child care center although the school age child care center fails to comply with all applicable standards and rules of the department.
2. A provisional license must:
  - a. Prominently state that the school age child care center has failed to comply with all applicable standards and regulations of the department;
  - b. State that the items of noncompliance are set forth on a document available upon request made to the operator;
  - c. Expire at a set date, not to exceed six months from the date of issuance; and
  - d. Be exchanged for an unrestricted license, which bears the same date of issuance as the provisional license, upon demonstrating compliance, satisfactory to the department, with all applicable standards and rules.
3. A provisional license may be issued only to an applicant who has waived, in writing:
  - a. The right to a written statement of charges as to the reasons for the denial of an unrestricted license; and
  - b. The right to an administrative hearing, in the manner provided in North Dakota Century Code chapter 28-32, concerning the nonissuance of an unrestricted license, either at the time of application or during the period of operation under a provisional license.

4. Any provisional license issued must be accompanied by a written statement of violations signed by the regional director of the human service center or the regional director's designee and acknowledged in writing by the operator.
5. Subject to the exceptions contained in this section, a provisional license entitles the holder to all rights and privileges afforded the holder of an unrestricted license.
6. The department may not issue a provisional license if the facility is not in compliance with section 75-03-11.1-17 or 75-03-11.1-18.
7. The operator shall prominently display the provisional license.
8. The operator shall provide parents notice that the facility is operating on a provisional license and the basis for the provisional license.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-03, 50-11.1-04

**75-03-11.1-07. Application for and nontransferability of school age child care center license.** An application for a license must be submitted to the county agency in the county in which the facility is located.

1. Application must be made in the form and manner prescribed by the department.
2. The license is nontransferable and is valid only on the premises indicated on the license.
3. A new application for a license must be filed by a licensed center upon change of operator or location.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-03.1, 50-11.1-04(3)

**75-03-11.1-08. Duties of school age child care center operator.** The operator of a school age child care center is responsible to the department for compliance with the requirements set forth in the standards and North Dakota Century Code chapter 50-11.1. In meeting this responsibility, the operator shall ensure:

1. Establishment of the school age child care program;

2. An application is made for a license for each school age child care center operated;
3. Creation of an outline of a written plan and policies for the operation of each school age child care center;
4. Notification is provided to the county agency of any major changes in the operation or in the ownership or governing body of the school age child care center and of any staff changes;
5. Liability insurance for bodily injury and property damage for the school age child care center is carried;
6. The development and maintenance of policies and procedures relating to children's activities and care, enrollment, and the responsibilities and rights of staff and parents;
7. That personnel policies include written references, employment histories, and a method of conducting staff performance evaluations;
8. Maintenance of attendance, health, financial, and other related records as required by statute or rule;
9. Authorization is obtained from each staff member and volunteer for the department to conduct a child abuse and neglect background check;
10. Maintenance of necessary information to verify staff qualifications and to ensure safe care, for the children in the school age child care center;
11. Designation of a qualified director. The minimum qualifications for a director are set forth in section 75-03-11.1-08.1, but specifically:
  - a. At no time shall a school age child care center be without a director or an acting director;
  - b. An individual designated as acting director for an ongoing period of less than thirty days shall meet the qualifications of a supervisor or site coordinator under section 75-03-11.1-08.3; and
  - c. An individual designated as acting director for an ongoing period of more than thirty days shall meet the qualifications of a director under section 75-03-11.1-08.1;
12. Parents of enrolled children and other interested parties are informed about the school age care center's goals, policies, procedures, and content of the program, including:
  - a. How accidents and illnesses will be dealt with; and

- b. Methods of discipline and developmentally appropriate techniques to be used;
13. Parents of enrolled children are advised of the school age child care center's service fees, operating policies and procedures, location, and the name, address, and telephone number of the operator and the director;
  14. Written notice is provided to the parents of enrolled children regarding the effective date, duration, scope, and impact of any significant changes in the school age child care center's services;
  15. That the center is sufficiently staffed to provide physical care to each child for the benefit of their social competence, emotional well-being, and intellectual development;
  16. That the school age child care center has sufficient qualified caregivers on call to substitute for regularly assigned staff who are sick, on leave, or who are otherwise unable to be on duty;
  17. That written agreements with the parents of each child specify the fees to be paid, methods of payment, and policies regarding delinquency of fees;
  18. That written policies are established which provide for emergency medical care, the care of children with special physical, emotional, or mental needs, if children with these needs are in care, and the treatment of illness and accident;
  19. That written policies are established concerning the care and safeguarding of personal belongings brought to the school age child care center by children or others on their behalf;
  20. Parents are provided unlimited access and opportunities to observe their children at any time while in care and are provided regular opportunities to meet with caregivers before and during enrollment to discuss their children's needs;
  21. Parents are provided, upon request, any progress reports on their children;
  22. Provisions are made for safe arrival and departure of all children that also allows for parent-staff interaction, and a system is developed to ensure that children are released only as authorized by the parent or legal guardian;
  23. Development of and compliance with a procedure for accountability when a child fails to arrive for the program;

24. Development of a system to ensure the safety of children whose parents have agreed to allow them to leave the program without supervision, with such system including, at a minimum:
  - a. Written permission from the parents allowing the operator to allow the children to leave the program without supervision; and
  - b. Consistent sign-out procedures for released children.
25. The reporting of any suspected child abuse or neglect as required by North Dakota Century Code chapter 50-25.1 and development of a written policy for staff to handle this reporting;
26. That there is, at all times when children are receiving care, a staff member on duty who meets current certification requirements in basic cardiopulmonary resuscitation by the American heart association, American red cross, or other similar cardiopulmonary resuscitation training programs and in a first-aid program approved by the department, except that substitute staff are exempted from this requirement;
27. If the operator of the school age child care center is also the director, the operator meets the qualifications of the director set forth in section 75-03-11.1-08.1;
28. That caregivers and children under the age of eighteen have adult supervision in the school age child care center at all times;
29. The operator of a facility shall report within twenty-four hours to the county director or the county director's designee a death or serious accident or illness requiring hospitalization of a child while in the care of the facility or attributable to care received in the facility; and
30. That carecheck information is made available to parents.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-03.1, 50-11.1-04(3)

**75-03-11.1-08.1. Minimum qualifications of a school age child care center director.**

1. A school age child care center director shall be an adult of good mental and physical health, capable of mature judgment, and shall possess knowledge and experience in management and interpersonal relationships.



2. The director shall meet at least one of the following qualifications, in addition to those set out in subsection 1:
  - a. A bachelor's degree in the field of elementary education with eight weeks of experience in a child care center or similar setting;
  - b. A bachelor's degree with twenty-four semester hours or thirty quarter hours in child development, child psychology, or fields directly related to child psychology, and six months of experience in a child care center or similar setting;
  - c. An associate degree in the field of early childhood development and six months of experience in a child care center or similar setting;
  - d. A teaching certificate in elementary education with twelve semester hours or fifteen quarter hours in child development, child psychology, early childhood education, or related fields;
  - e. Certification as a child development associate or similar status where such a local, state, or federal certification program exists, and one year of experience in a child care center or similar setting;
  - f. A bachelor's degree with twelve semester hours or fifteen quarter hours in child development, child psychology or fields directly related to child psychology, and one year of experience in a child care center or similar setting;
  - g. Certification for a Montessori teacher training program with one year of experience in a Montessori school, school age child care center, or similar setting, and at least twelve semester hours or fifteen quarter hours in child development, child psychology, early childhood education, or fields directly related thereto;
  - h. A high school diploma with three years of experience as a licensed school age child care supervisor and three positive reference letters from parents whose children were in the supervisor's care; and
3. The director shall certify attendance at a minimum of thirteen hours of county-approved training related to child care annually.

**History:** Effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04(2)

**75-03-11.1-08.2. Duties of school age child care center director.** The school age child care center director shall, coextensive with the school age child care center operator, be responsible for:

1. Program planning, supervision, and activity;

2. Assisting the operator in maintaining enrollment, health, attendance, financial, and other related records as required by this chapter;
3. Scheduling, supervision, and conduct of staff members;
4. Designating a supervisor or onsite coordinator for each school age child care center; and
5. Assisting the operator in efforts to improve the quality of care and the competence of caregivers.
6. The director shall be present at the school age child care center at least sixty percent of the time that the center is open. If the operation has satellite sites, the director shall be present an aggregate of sixty percent of the combined time that the director is present at all sites.

**History:** Effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04

**75-03-11.1-08.3. Minimum qualifications of school age child care center supervisor or site coordinator.**

1. A supervisor or site coordinator shall meet at least one of the following qualifications:
  - a. An associate degree in the field of early childhood development or elementary education, or a secondary degree with an emphasis on middle school or junior high training;
  - b. Certification as a child development associate or similar status where such local, state, or federal certification program exists;
  - c. Certification for a Montessori teacher training program;
  - d. A high school diploma and one year of experience in a child care center or similar setting; or
  - e. A high school equivalency and one year of experience in a child care center or similar setting.
2. The supervisor shall demonstrate the ability to work with children and the willingness to increase skills and competence through experience, training, and supervision.
3. The supervisor shall be an adult of good mental and physical health, capable of mature judgment, and shall possess knowledge and experience in management and interpersonal relationships.

4. The supervisor must be certified in basic cardiopulmonary resuscitation by the American heart association, American red cross, or other similar cardiopulmonary resuscitation training programs approved by the department.
5. The supervisor shall certify attendance at a minimum of thirteen hours of county-approved training related to child care annually.

**History:** Effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04(2)

**75-03-11.1-08.4. Minimum qualifications for all school age child care center caregivers or group leaders.**

1. Caregivers or group leaders shall be at least sixteen years of age and shall be mentally, physically, and emotionally able to provide adequate care for the children under supervision.
2. Each caregiver or group leader shall certify attendance at county-approved training related to child care:
  - a. Caregivers or group leaders working thirty to forty hours per week shall certify a minimum of thirteen hours of county-approved training annually;
  - b. Caregivers or group leaders working twenty to thirty hours per week shall certify a minimum of eleven hours of county-approved training annually;
  - c. Caregivers or group leaders working ten to twenty hours per week shall certify a minimum of nine hours of county-approved training annually; and
  - d. Caregivers or group leaders working less than ten hours per week shall certify a minimum of seven hours of county-approved training annually.
3. Newly hired caregivers shall have a two-day onsite orientation to the child care program during the first week of employment. The orientation must address the following:
  - a. Emergency health, fire, and safety procedures at the school age child care center;
  - b. The importance of handwashing and sanitation procedures to reduce the spread of infection and disease among children;

- c. Any special health or nutrition problems of the children assigned to the caregiver;
  - d. Any special needs of the children assigned to the caregiver;
  - e. The planned program of activities at the school age child care center;
  - f. Rules and policies of the school age child care center; and
  - g. Child abuse and neglect laws.
4. No caregiver or group leader may use or be under the influence of any alcohol or judgment-altering drugs while children are in care.
  5. No caregiver or group leader may at any time place a child in an environment that would be harmful or dangerous to a child's physical or emotional health.

**History:** Effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04(2)

**75-03-11.1-08.5. Minimum qualifications for volunteers.** If providing child care, volunteers shall meet qualifications of caregivers or group leaders, and receive orientation as needed for all assigned tasks.

**History:** Effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04(2)

**75-03-11.1-09. Staffing and group size requirements.**

1. The number of staff members and their use shall reflect program requirements, individual differences in the needs of the children enrolled, and shall permit flexible groupings if necessary. Service personnel engaged in housekeeping and food preparation may not be counted in the child and staff ratio for periods of time when they are so engaged. Children with special conditions requiring more than usual care and supervision shall have adequate care and supervision provided to them without adversely affecting care provided to the remaining children in the school age child care center.
2. Staffing requirements and maximum group size.
  - a. The operator of a school age child care center shall ensure that the center is sufficiently staffed at all times to meet the staffing requirements for children in attendance, and that no more than the

licensed capacity are served at one time. The staffing requirements for caregivers or program staff must be:

- (1) For one to fourteen children, one staff member; and
  - (2) For fifteen children or more, two staff members, with a maximum group size of thirty children.
  - (3) The provisions in this subsection relating to maximum group size shall not apply to school age child care center operators licensed prior to January 1, 1999, if such operators are otherwise qualified to operate a school age child care center. Any school age child care center operator who discontinues operation of the school age child care center under a valid license, or who fails to renew such license upon expiration thereof, shall not thereafter be exempt from the requirements relating to maximum group size.
- b. Staff members meeting the qualifications of center director, site coordinator, group leader, assistant group leader, or caregiver over eighteen years of age may be counted in the required ratio only for the time they are directly responsible for a group of children.
  - c. Caregivers and children under the age of eighteen shall have adult supervision in the school age child care center at all times.
  - d. When more than eight children are taken off the premises, the children shall be accompanied by at least two staff members, one of whom is a qualified group leader or caregiver who is at least age eighteen years. When eight or fewer children are taken off the premises, the accompanying staff member must be a qualified group leader or caregiver who is at least age eighteen.
3. Children using the licensed facility for a McGruff safe house, a block house, or a certified safe house program during an emergency shall not be counted under this section.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-08, 54-12-20

**75-03-11.1-10. [Reserved]**

**75-03-11.1-11. [Reserved]**

**75-03-11.1-12. [Reserved]**

#### **75-03-11.1-13. Minimum health requirements for all caregivers.**

1. Each operator or caregiver shall complete a health self-certification form certifying that the operator or caregiver does not have health problems that would interfere with the person's functioning as a caregiver or that would be detrimental to the health of the children or other staff. If the operator adds or replaces a caregiver after the licensure process is complete, the operator must submit a self-certification form completed by the new caregiver to the county within five working days of the caregiver's first workday.
2. Each operator or caregiver shall furnish documentation of a negative Mantoux tuberculosis test prior to each licensure or employment, and every two years thereafter. If the operator adds or replaces a caregiver after the licensure process is complete, the caregiver shall furnish documentation of a negative Mantoux tuberculosis test before the first day of employment. Substitute staff, substituting for less than thirty-two hours per month, are exempted from this requirement. A school age child care center operator who uses an untested emergency designee may not be found in violation of this provision.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04(2)

#### **75-03-11.1-14. [Reserved]**

#### **75-03-11.1-15. Minimum standards for provision of transportation.**

1. The operator shall establish a written policy governing the transportation of children to and from the school age child care center, if the school age child care center provides transportation. This policy must specify who is to provide transportation and how parental permission is to be obtained for activities which occur outside the school age child care center. If the school age child care center provides transportation, the operator shall inform the parents of any insurance coverage on the vehicles. Any vehicle used for transporting children must be in safe operating condition and in compliance with state and local laws.
2. When transportation is provided by a school age child care center, children must be protected by adequate staff supervision, safety precautions, and liability and medical insurance.
  - a. Child and staff ratios must be maintained to assure the safety of the children while being transported. The department requires one busdriver per twenty children and one additional individual for twenty-one children or more.

- b. A child may not be left unattended in a vehicle.
3. Children must be instructed in safe transportation conduct as appropriate to their age and stage of development.
4. The driver shall comply with all relevant state and local laws.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

#### **75-03-11.1-16. Minimum emergency evacuation and disaster plan.**

1. Each school age child care center must have an approved and posted emergency disaster plan for the safety of the children in care. Written disaster plans must be developed in cooperation with the authorities.
2. Fire evacuation drills must be performed in accordance with the local fire department's guidelines.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

#### **75-03-11.1-17. Fire inspections.**

1. Annual fire inspections must be completed by local or state fire authorities. The operator shall have corrected any code violations noted by the fire inspector and shall file reports of the inspections with the county licensing agency.
2. The school age child care center must be equipped with sufficient smoke detectors and fire extinguishers, as recommended by the local fire department.
3. The school age child care center shall provide:
  - a. The local fire inspector's written statement of compliance with the local fire code, if there is one;
  - b. The local fire inspector's written statement that the school age child care center has been inspected and that the inspector is satisfied that the school age child care center meets minimum fire and safety standards; or

- c. A written statement from an appropriate fire official that the school age child care center meets minimum fire and safety standards adopted by the state fire marshal.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-07

#### **75-03-11.1-18. Minimum sanitation and safety requirements.**

1. In school age child care centers where meals are prepared, the state department of health shall conduct an annual inspection. If only snacks or occasional cooking projects are prepared, a state department of health inspection is not required.
2. The school age child care center's building, grounds, and equipment must be located, cleaned, and maintained to protect the health and safety of children. Routine maintenance and cleaning procedures must be established to protect the health of the children and the caregivers.
3. The school age child care center ground areas must be free from accumulations of refuse, standing water, unprotected wells, debris, flammable material, and other health and safety hazards.
4. Exterior play areas in close proximity to busy streets and other unsafe areas must be contained, fenced, or have natural barriers to restrict children from those unsafe areas.
5. Garbage must be kept away from areas used by children and kept in containers with tight lids, made of noncombustible materials. Open burning is not permitted.
6. Wading pools used by the school age child care center must be strictly supervised and must be emptied and cleaned daily.
7. All swimming pools must be approved by the local health unit.
8. All school age child care center buildings erected before January 1, 1970, which contain painted surfaces in a peeling, flaking, chipped, or chewed condition in any area where children may be present, must have these surfaces repainted or must submit evidence that the surfaces do not contain hazardous levels of lead-bearing substances. For the purposes of this chapter, "hazardous levels of lead-bearing substances" means any paint, varnish, lacquer, putty, plaster, or similar coating of structural material which contains lead or its compounds in excess of seven-tenths of one milligram per square centimeter, or in excess of



five-tenths of one percent in the dried film or coating, when measured by a lead-detecting instrument approved by the state department of health.

9. Indoor and outdoor equipment, toys, and supplies must be safe, strong, nontoxic, and in good repair. All toys must be easily cleanable and must be cleaned and sanitized on a routine basis.
10. Indoor floors and steps may not be slippery or have splinters. Steps and walkways must be kept free from accumulations of water, ice, snow, or debris.
11. Elevated areas such as stairs or porches, must have railings and safety gates where necessary to prevent falls.
12. If the school age child care center is providing care to children in wheelchairs, the center shall provide doors of sufficient width and construction to accommodate any children in wheelchairs who are receiving care.
13. Exit doorways and pathways may not be blocked.
14. Light bulbs in areas used by children must be properly shielded or shatterproof.
15. Combustible materials must be kept away from light bulbs and other heat sources.
16. There must be adequate heating, ventilation, humidity, and lighting for the comfort and protection of the health of the children. During the heating season when the school age child care center is occupied by children, the room temperature must not be less than sixty-eight degrees Fahrenheit [20 degrees Celsius] and not more than seventy-four degrees Fahrenheit [23.33 degrees Celsius] measured three feet [91.44 centimeters] above the floor. All heating devices must be approved by the local fire authorities.
17. School age child care center bathroom lavatories, toilets, tables, chairs, and floors must be cleaned daily. Cots and mats must be individually labeled and cleaned and sanitized at least weekly.
18. Personal items including combs and toothbrushes must be individually identified and stored in a sanitary manner.
19. Caregivers shall wash their hands before preparing or serving meals, after nose wiping, after using toilet facilities, and after any other procedure that may involve contact with bodily fluids. Hand soap and towels must be available at each lavatory. Clean towels must be provided daily.

20. Potential hazards, household cleaning chemicals, uninsulated wires, medicines, poisonous plants, and open stairways may not be accessible to young children.
21. Water supply standards:
  - a. The school age child care center must have a drinking supply from an approved community water system or from a source tested and approved by the state department of health;
  - b. Drinking water must be easily accessible to the children and must be provided by either an angle-jet drinking fountain with mouthguard or by a running water supply with individual, single-serve drinking cups; and
  - c. The school age child care center must have hot and cold running water. Hot water heaters must be turned down or there must be a tempering valve or antiscalding device on the faucets used by children so that the temperature of hot water supplied to lavatories does not exceed one hundred twenty degrees Fahrenheit [49.2 degrees Celsius].
22. Toilet and lavatory facilities:
  - a. Toilet and lavatory facilities must be provided and must be convenient to the areas used by the children and staff;
  - b. Toilet and lavatory facilities must meet requirements of the state department of health;
  - c. Toilets must be located in rooms separate from those used for cooking, eating, and sleeping;
  - d. A minimum of one lavatory and one flush toilet must be provided for each fifteen children;
  - e. Separate restrooms must be provided for boys and girls six years of age and over, and partitions must be installed to separate toilets in these restrooms;
  - f. At least one handwashing lavatory must be provided per toilet room facility;
  - g. Sanitary hand-drying equipment, individual cloth, or paper towels must be provided near handwashing lavatories; and

- h. Safe step stools must be provided to allow standard-size toilets and lavatories to be used by the children or child-size toilets and lavatories must be provided.

23. Sewage and wastewater disposal:

- a. A school age child care center shall meet the requirements of the state plumbing code as contained in North Dakota Administrative Code article 62-03; and
- b. Any school age child care center not on a municipal or public water supply or wastewater system shall have its sewage and wastewater system approved by the state department of health.

24. Laundry:

- a. If the school age child care center provides laundry service for common use linens, towels, or blankets, it shall have adequate space and equipment for safe and effective operation;
- b. Soiled linens must be placed in closed containers or hampers during storage and transportation;
- c. In all new or extensively remodeled school age child care centers, the handling, sorting, or washing of soiled linen or blankets must take place in a designated area that is separated by a permanent partition from food preparation, serving, and kitchen areas;
- d. In existing school age child care centers where physical separation of laundry and kitchen areas is impractical, procedures must be developed to prohibit the washing or transportation of laundry while meals are being prepared or served;
- e. Sorting of laundry may not be allowed in food preparation, serving, or kitchen areas;
- f. If the school age child care center provides laundry service for common use linens, towels, or blankets, or if different children's clothing, towels, or blankets are laundered together, the water temperature must be greater than one hundred seventy degrees Fahrenheit [77.2 degrees Celsius]; and
- g. If the water temperature is less than one hundred seventy degrees Fahrenheit [77.2 degrees Celsius], then bleach must be used in the laundry process during the rinse cycle to achieve fifty parts per million of available hypochlorite at a temperature of at least seventy-five degrees Fahrenheit [24 degrees Celsius].

25. School age child care centers shall take steps to keep the facility free of insects and rodents. Chemicals for rodent control may not be applied in areas accessible to children when children are present in the facility.
26. All pets present in the school age child care center must be properly immunized, restricted, and maintained. Nondomestic animals, such as skunks, opossum, or raccoon, whether or not regarded as pets, may not be present in the school age child care center. Pets may not be allowed in the kitchen or eating area during meal preparation or meals.
27. Smoking is not permitted in any school age child care center at any time during which a child who receives early childhood services from that school age child care center is present and receiving care.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-02.2, 50-11.1-04

#### **75-03-11.1-19. Minimum requirements regarding space and lighting.**

1. Each school age child care center shall provide adequate space for all children in attendance.
2. The school age child care center shall provide adequate space, indoors and out, for the daily activities of the children. This must include a minimum of thirty-five square feet [3.25 square meters] of space per child indoors and a minimum of seventy-five square feet [6.97 square meters] of play space per child outdoors. Indoor space considered must exclude bathrooms, pantries, passageways leading to outdoor exits, and space children are not permitted to occupy. If available outdoor play space does not accommodate the licensed capacity of the school age child care center at one time, the operator shall prepare a written schedule of outdoor playtime which limits use of the play area to its capacity, giving every child an opportunity to play outdoors.
3. The school age child care center must be properly lighted. The following technical requirements must be met:
  - a. Sixty-five foot-candles of light for all general use and play areas;
  - b. Twenty-five foot-candles of light for all bathrooms;
  - c. Fifty foot-candles of light for any kitchen, laundry, and office areas; and
  - d. Fifteen foot-candles of light for corridors and storage areas.
  - e. If the lighting of the school age child care center appears questionable, the department may require the operator to obtain

additional lights so that a minimum of sixty-five foot-candles of light is used in the areas generally used for children's activities.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

**75-03-11.1-20. Program requirements.**

1. The school age child care center operator shall have a program of daily individual or small group activities appropriate to the ages and needs of the children in the school age child care center. The program must include activities which foster sound social, intellectual, emotional, and physical growth, developed with discussion and consultation with parents as to their children's needs.
2. The program must be flexible and subject to modification for individual child differences.
3. The program must be written and varied in order to promote the physical and emotional well-being of the children, to encourage the acquisition of information and knowledge, and to foster the development of language skills, concepts, self-discipline, and problem-solving activities. The program must describe how the activities planned meet the children's developmental needs, including the special needs of children in the school age child care center who are multilingual or disabled. The written program must be made available to parents.
4. The program must include firsthand experiences for children to learn about the world in which they live.
5. Learning experiences must be conducted in consultation with parents in order to ensure harmony with the lifestyle and cultural background of the children.
6. The program must provide a balance of quiet and active indoor and outdoor group and individual activities. A time for supervised child-initiated and self-selected activity must be established.
7. If the children are allowed to assist in any food preparation, the activity must be limited to use of equipment and appliances that do not present a safety hazard. Children may not be allowed in the kitchen or laundry area unsupervised.
8. A variety of games, toys, books, crafts, and other activities and materials must be provided to enhance the child's intellectual and social development and to broaden the child's life experience. Each school age child care center shall have enough play materials and

equipment so that at any one time, each child in attendance can be individually involved.

9. The cultural diversity of the children must be reflected in the program through incorporation of their language, food, celebration, and lifestyles, if appropriate.
10. Equipment and furniture must be durable and safe, and must be appropriately adapted for children's use.
11. Sufficient space accessible to children must be provided for each child's personal belongings.
12. The school age child care center shall supplement, augment, and reinforce the child's activities at home and school.
13. At the time of enrollment, the school age child care center staff shall discuss with the parents the children's habits, activities, and schedules while at home and in school their parents' special concerns about their past and future behavior and development. The schedule and activities must be designed to complement and supplement the children's experiences at home and in school.
14. Staff shall encourage parents to visit the facility, observe, and participate in the care of their children.
15. The school age child care center operator shall contact parents to exchange information concerning the child and the child care program as well as offer them meaningful opportunities to participate in general program policymaking.
16. Personal hygiene practices appropriate for a child's age and development must be stressed.
17. The school age child care center operator shall contact parents to exchange information concerning the child and any concerns about the health, development, or behavior of the child. These concerns must be communicated to the parent promptly and directly.
18. Each child's cultural and ethnic background and primary language or dialect must be respected by the caregivers.
19. Each school age child care center shall have a designated area where a child can sit quietly or lie down to rest. There must be sufficient cots or sleeping mats so that each child in attendance may have an individual napping space. The floor may be used only when carpeted or padded, warm, and free from drafts, and when individual blankets or coverings are used. Napping schedules must be set for children according to their

ages and needs. For children unable to sleep, time and space for quiet play must be available.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01

**75-03-11.1-21. Minimum standards for food and nutrition.**

1. When the operator is responsible for providing food to children, the food supplied must meet United States department of agriculture standards, and must be properly prepared, sufficient in amount, varied according to diets of the children enrolled, and served at appropriate hours. Food that is prepared, served, or stored in a school age child care center must be treated in a sanitary and safe manner with sanitary and safe equipment.
2. Safe drinking water must be accessible to the children at all times.
3. When parents bring sack lunches for their children, the operator may supplement lunches to provide nutritious and sufficient amounts of food for children, and shall provide adequate and appropriate refrigeration and storage as required.
4. If the services are available free of charge, a dietician or other food service professional must be used as a consultant.
5. Children must be served a nutritious morning and afternoon snack, and if the parent does not provide a sack lunch, a nourishing meal:
  - a. Children in care for more than three hours shall receive either a snack or meal, whichever is appropriate to that time of day;
  - b. Children in care during any normal mealtime hour shall be served food appropriate for that time of day; and
  - c. Children who are present for more than four hours or come directly to the center from a morning kindergarten class shall receive a meal.
6. When the operator is responsible for providing food to children, menus must be prepared on a weekly basis and made available to the parents, the department, or other appropriate individuals.
7. Information provided by the children's parents as to their eating habits, food preferences, or special needs must be considered in the feeding schedules and in the tailoring of menus.

8. Children must be served in a manner commensurate with their age, using appropriate foods, portions, dishes, and eating utensils.
9. Children must be encouraged to eat the food served, but shall not be subjected to coercion or force-feeding.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

#### **75-03-11.1-22. Records.**

1. A copy of this chapter must be kept on the premises.
2. The school age child care center operator shall maintain the following records:
  - a. The child's full name, birthdate, and current home address;
  - b. Names of the child's parents or legal guardian, and the business and home telephone numbers where those individuals may be reached;
  - c. Names and telephone numbers of individuals who may assume responsibility for the child if the individual legally responsible for the child may not be reached immediately in an emergency;
  - d. A written statement from the parents or legal guardian authorizing emergency medical care;
  - e. Names and telephone numbers of individuals authorized to take the child from the school age child care center;
  - f. Verification that the child has received all immunizations appropriate for the child's age, as prescribed by the state department of health, unless the child is a drop-in; and
  - g. A current health assessment or a health assessment statement completed by the parent, obtained at the time of initial enrollment of the child, that must indicate any special precautions for diet, medication, or activity, must serve as evidence that a child is physically able to take part in the child care program, and must be completed annually.
3. All records maintained with respect to children receiving child care services must be kept confidential, and access must be limited to staff members, the parents, or legal guardian of each child, and to:



- a. Authorized county agency and department representatives;
- b. Individuals having a definite interest in the well-being of the child concerned and who, in the judgment of the department, are in a position to serve the child's interests should that be necessary; and
- c. Individuals who possess written authorization from the child's parent or legal guardian. The school age child care center shall have a release of information form available and shall have the form signed prior to the release of information.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04, 50-11.1-07

**75-03-11.1-23. Discipline - Punishment prohibited.** Disregard of any of the following disciplinary rules is grounds for license denial or revocation.

- 1. The school age child care center must have a written policy regarding the discipline of children that must be interpreted to staff members before the school age child care center begins operation or before staff members begin working with children.
- 2. Discipline must be constructive or educational in nature and may include diversion, separation from the problem situation, talking with the child about the situation, praise for appropriate behavior, and gentle physical restraint, such as holding. Children may not be subjected to physical harm, fear, or humiliation.
- 3. Authority to discipline may not be delegated to or be accomplished by children.
- 4. Separation, when used as discipline, must be brief and appropriate to the child's age and circumstances. Any child separated must be in a safe, lighted, well-ventilated room within hearing of an adult. A child may not be isolated in a locked room or closet.
- 5. A child may not be physically punished for lapses in toilet training.
- 6. When addressing a child, or while in the presence of a child, staff members may not make derogatory remarks about the child, the child's family, race, or religion nor use profane, threatening, unduly loud, or otherwise abusive language.
- 7. A child may not be force-fed, unless medically prescribed and administered under a physician's care.
- 8. Deprivation of meals may not be used as a form of discipline or punishment.

9. A child may not be punched, spanked, shaken, pinched, bitten, roughly handled, or struck by any staff member or any other adult in the school age child care center.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-01, 50-11.1-08

**Law Implemented:** NDCC 50-11.1-08

**75-03-11.1-24. Specialized types of care and minimum requirements therefor.**

**1. Night care:**

- a. Any school age child care center offering night care shall provide program modifications for the special needs of children and their parents during the night;
- b. In consultation with parents, special attention must be given by the caregiver to provide for a transition into this type of care appropriate to the child's emotional needs;
- c. When practical, children shall be left for care and picked up before and after their normal sleeping period to ensure minimal disturbance of the child during sleep, but consideration must be given to the parent's work schedule;
- d. Comfortable beds and cots, complete with a mattress or pad, must be available:
  - (1) Pillows and mattresses must have clean coverings;
  - (2) Sheets and pillowcases must be changed as often as necessary for cleanliness and hygiene, but not less than weekly;
  - (3) If beds are used by different children, sheets and pillowcases must be laundered before use by other children; and
  - (4) Each bed or cot must have sufficient blankets available;
- e. The school age child care center operator shall require each child in night care to have night clothing and a toothbrush marked for identification; and
- f. During sleeping hours, the staff shall be awake and within listening distance in order to provide for the needs of children and respond to an emergency.

**2. Drop-in school age child care centers.**

- a. If a school age child care center serves drop-in children, it shall be sufficiently staffed to effectively handle admission records and explain the policies and procedures of the program;
- b. The program must reflect the special needs of the children who are provided drop-in service;
- c. Admission records must comply with all enrollment requirements contained in section 75-03-11.1-22, except the immunization record requirement;
- d. Admittance procedures must provide for a period of individual attention for the child in order to acquaint the child with the school age child care center, its equipment, and the staff; and
- e. A school age child care center may not receive drop-in or part-time children who, when added to the children in regular attendance, cause the school age child care center to exceed the total number of children for which the school age child care center is licensed.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

**75-03-11.1-25. Minimum requirements for care of children with special needs.** When children with special needs are admitted, there must be appropriate provisions to meet those needs. The school age child care center shall document how the child's special needs may be met.

1. When children with special needs are admitted, the school age child care center supervisor shall consult with the child's parents, and with the parent's permission, the child's source of professional health care, or, when appropriate, other health and professional consultants.
2. Caregivers shall receive proper instructions as to the nature of the child's disability and potential for growth and development.
3. If the nature of the special needs or the number of children with special needs warrants added care, the school age child care center shall add sufficient staff and equipment as deemed necessary by the department to compensate for those needs.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01, 50-11.1-04

**75-03-11.1-26. Minimum provisions regarding emergency care for children.**

1. The school age child care center shall have written plans to respond to illness and emergencies, including burns, serious injury, and ingestion of poison. Parents of enrollees must be advised of these plans. Plans must require:
  - a. The conspicuous posting of emergency response procedures, with all staff members receiving training concerning such emergency procedures;
  - b. At least one state department of health-approved first-aid kit be maintained and kept in each major activity area, inaccessible to children, yet readily accessible to staff;
  - c. A working telephone be immediately accessible to staff with a list of emergency telephone numbers conspicuously posted adjacent to the telephone;
  - d. The school age child care center inform parents in writing of any first aid administered to their child within twenty-four hours of the incident and immediately notify parents of any injury which requires emergency care beyond first aid;
  - e. That each injury report be made a part of the child's record;
  - f. The school age child care center implement infection control measures to prevent the spread of communicable diseases and follow rules and recommendations set by the division of communicable disease control of the state department of health relating to serious illnesses, contagious diseases, and reportable diseases;
  - g. That when health policies of the school age child care center allow ill children to be admitted or to remain in the school age child care center, medical consultation must be available regarding special care and medication;
  - h. The following procedures where children in the school age child care center require medication:
    - (1) Written permission to dispense medication must be obtained from the parent, and proper instructions for the administration of the medicine must be given by the parent or physician;
    - (2) Any medication prescribed by a physician must be accompanied by the physician's written instructions as to its dosage and storage, and labeled with the child's name and dated;

- (3) A written record of the administration of medication, including over-the-counter medication, to each child must be kept. Records must include the date and time of each administration, the dosage, the name of the staff member administering the medication, and the name of the child;
  - (4) Completed medication records must be included in the child's record; and
  - (5) Medications must be stored in an area inaccessible to children, and medications stored in a refrigerator must be stored collectively in a spillproof container.
- i. A supervised, temporary isolation area be designated for a child who is too ill to remain in the group, or who has an infectious or contagious disease, with the following procedures being followed when those signs or symptoms are observed:
    - (1) Parents shall be notified immediately and asked to pick up their child; and
    - (2) First aid must be provided and medical care sought, as necessary;
  - j. Children with infectious or communicable conditions be excluded from the school age child care center until the condition may no longer be transmitted, and guidance regarding exclusion and return to the school age child care center be obtained through consultation with local and state health department authorities;
  - k. That provisions for emergency transportation be made, specifically that when a child is brought to another place for emergency care, the child be accompanied by an adult who shall remain with the child until medical personnel assume the responsibility for the child's care and until the parent or legal guardian arrives; and
  - l. That information be provided to parents, as needed, concerning child health and social services available in the community, and that there be assistance for parents in obtaining the services.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-01

#### **75-03-11.1-27. Effect of conviction on licensure and employment.**

- 1. A school age child care center operator may not be, and a school age child care center may not employ, in any capacity that involves or permits contact between the employee and any child cared for by the school age

child care center, an individual who has been found guilty of, pled guilty to, or pled no contest to:

- a. An offense described in North Dakota Century Code chapters 12.1-16, homicide; 12.1-17, assaults - threats - coercion; or 12.1-18, kidnapping; North Dakota Century Code sections 12.1-20-03, gross sexual imposition; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-06, sexual abuse of wards; 12.1-20-07, sexual assault; 12.1-22-01, robbery; or 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; North Dakota Century Code chapter 12.1-27.2, sexual performances by children; or North Dakota Century Code sections 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; or 12.1-31-05, child procurement; or an offense under the laws of another jurisdiction which requires proof of substantially similar elements as required for conviction under any of the enumerated North Dakota statutes; or
  - b. An offense, other than an offense identified in subdivision a, if the department in the case of a school age child care center operator, or the school age child care center operator in the case of an employee, determines that the individual has not been sufficiently rehabilitated.
2. The school age child care center shall establish written policies, and engage in practices that conform to those policies, to effectively implement this section.
  3. For purposes of subdivision b of subsection 1, the department in the case of a school age child care center, or the school age child care center operator in the case of an employee, shall treat completion of a period of five years after final discharge from any term of probation, parole, or other form of community correction, or imprisonment, without subsequent conviction, as prima facie evidence of sufficient rehabilitation.
  4. The department has determined that the offenses enumerated in subdivision a of subsection 1 have a direct bearing upon an individual's ability to serve the public in a capacity involving the provision of child care services.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-06.1

**75-03-11.1-28. Child abuse and neglect determinations.** If a probable cause determination or a decision that services are required under North Dakota Century Code chapter 50-25.1 exists, indicating that any child has been abused or neglected by a staff member, that individual shall furnish information satisfactory to the department from which the department may determine the staff member's current ability to provide care free of abuse and neglect. The determination of current ability must be furnished to the school age child care center operator and to the regional director of the human service center or the regional director's designee for consideration and action of the school age child care center license.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-04, 50-11.1-08

**Law Implemented:** NDCC 50-11.1-04, 50-11.1-08, 50-11.1-09

**75-03-11.1-29. Allowable time periods for correction of deficiencies.**

1. Deficiencies noted in a correction order must be corrected:
  - a. For a violation of section 75-03-11.1-09, subsection 3 of section 75-03-11.1-18, and section 75-03-11.1-23, within twenty-four hours.
  - b. For a deficiency requiring the hiring of a school age child care center director with those qualifications set forth in section 75-03-11.1-07 or a child care supervisor with those qualifications set forth in section 75-03-11.1-09, within sixty days.
  - c. For a deficiency that requires an inspection by a state fire marshal or local fire department authority pursuant to section 75-03-11.1-17, within sixty days.
  - d. For a deficiency that requires substantial building remodeling, construction, or change, within sixty days.
  - e. For all other deficiencies, within twenty days.
2. All time periods for correction begin on the date of receipt of the correction order by the licensee.
3. The regional supervisor of early childhood program licensing may grant an extension of additional time to correct deficiencies, up to a period of one-half the original allowable time allotted. An extension may be granted upon application by the licensee and a showing that the need for the extension is created by unforeseeable circumstances and the licensee has diligently pursued the correction of the deficiency.

4. The operator shall furnish a written notice of completion of the correction order action to the county. The correction order is effective until the county receives the notice.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-07.2

#### **75-03-11.1-30. Fiscal sanctions.**

1. A fiscal sanction of twenty-five dollars per day shall be assessed for each violation of subsections 3, 13, and 19 of section 75-03-11.1-20; and section 75-03-11.1-23 for each day, after the allowable time for correction of deficiencies ends, that the school age child care center has not verified correction.
2. A fiscal sanction of fifteen dollars per day shall be assessed for each violation of section 75-03-11.1-08, subsections 1, 2, 4, 5, 10, 17, and 20 of section 75-03-11.1-18; subsection 1 of section 75-03-11.1-19; subsections 3 and 11 of section 75-03-11.1-20; section 75-03-11.1-23; and subdivision a of subsection 1 of section 75-03-11.1-24 for each day, after the allowable time for correction of deficiencies ends, that the school age child care center has not verified correction.
3. A fiscal sanction of five dollars per day shall be assessed for each violation of any other provision of this chapter for each day, after the allowable time for correction of deficiencies ends, that the school age child care center has not verified correction.

**History:** Effective June 1, 1995; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-07.4, 50-11.1-08

**Law Implemented:** NDCC 50-11.1-07.4

**75-03-11.1-31. Appeals.** An applicant or operator may appeal a decision to deny or revoke a license by filing a written appeal with the department within ten days of receipt of written notice of such a decision. Upon receipt of a timely appeal, an administrative hearing must be conducted in the manner provided in chapter 75-01-03.

**History:** Effective June 1, 1995; amended effective January 1, 1999.

**General Authority:** NDCC 50-11.1-08

**Law Implemented:** NDCC 50-11.1-08, 50-11.1-09

**75-03-11.1-32. Appeals.** Repealed effective January 1, 1999.